

**10-18-306 Enforcement and appeal.**

- (1) Before a person that is or is likely to have a substantial interest affected by a municipality's violation of this chapter may file an action in district court for violation of this chapter, that person shall file a written complaint with the municipality in accordance with this section.
- (2)
  - (a) A municipality that provides a cable television service or a public telecommunications service shall enact an ordinance establishing a procedure for the filing and resolution of complaints relating to the municipality providing:
    - (i) a cable television service; or
    - (ii) a public telecommunications service.
  - (b) The procedure required by Subsection (2)(a) shall:
    - (i) permit any person described in Subsection (1) to file a complaint including:
      - (A) an individual subscriber; or
      - (B) a private provider that competes with the municipality in the geographic boundaries of the municipality;
    - (ii) establish an expedited process that requires within 45 days after the date the complaint is filed:
      - (A) that a hearing be held, unless the parties to the proceeding waive the requirement of a hearing; and
      - (B) the issuance of a final decision; and
    - (iii) provide that failure to render a decision within the time allotted shall be treated as an adverse decision for purposes of appeal.
- (3) Appeal of an adverse decision from the municipality may be taken to the district court for a de novo proceeding.

Enacted by Chapter 83, 2001 General Session